

76. (Amended) The system defined in claim 42 wherein the user equipment is further configured to allow the interactive wagering application to:

AS combine the wagering pools from each of the multiple totes to create a combined cross-tote pool; and be used to create a wager using the cross-tote pool.

Remarks

I. Introduction

Claims 1-82 are pending in this application. Claims 1, 6, 7, 28, 34, 35, 42, 47, 48, 69, 74, and 75 have been amended. Annexed hereto is an Appendix showing the changes that have been made. No new matter has been added by any of the amendments. Reconsideration of this application in light of the following remarks is respectfully requested.

II. The Amendments to the Claims

Claims 1, 34, 35, 42, 75, and 76 have been amended to more particularly define applicants' invention.

Claims 6 and 47 have been amended to correct the insufficient antecedent basis noted by the Examiner under the 35 U.S.C. § 112 rejections.

Claims 7 and 48 have been amended to correct the informality noted by the Examiner under the Claim Objections.

Claims 28 and 69 have been rewritten in independent form because the Examiner has indicated in the Office Action that these claims contain allowable subject matter.

III. Reply to the Objection of the Drawings

The Examiner has objected to the informal drawings because they do not meet all the requirements of 37 C.F.R. § 1.84. Applicants submitted formal drawings, which are in accordance with the requirements under 37 C.F.R. § 1.84, to the United States Patent and Trademark Office on March 5, 2001. Therefore, in view of the submitted formal drawings, the objection to the drawings should be withdrawn.

IV. Reply to the Examiner's Statement Concerning an Information Disclosure Statement

The Examiner contends that the information disclosure statement filed April 19, 2002 failed to comply with 37 C.F.R. § 1.98(a)(2). Therefore, the Examiner did not consider the documents cited therein. However, in an email correspondence between the Examiner and Mr. Andrew

Van Court, the Examiner stated that the cited documents were missing and thus was not able to consider them. To provide the Examiner with an opportunity to consider the lost documents, applicants furnish herewith a duplicate copy of the April 19, 2002 information disclosure statement and the cited references.

V. Reply to Claim Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 4, 8, 9, 12, 14-16, 18, 20-22, 30-36, 39-42, 45, 49, 50, 53, 55-57, 59, 61-63, 71-77, and 80-82 under 35 U.S.C. § 102(b) over Brenner et al. U.S. Patent 5,830,068 (hereinafter "Brenner"). The Examiner's rejection is respectfully traversed.

In regards to claims 1 and 42, the Examiner contends that Brenner describes a method for allowing a user to use user equipment to place an electronic wager on a race with an interactive wagering application that handles multiple totes. The Examiner further contends that the interactive wagering application is used to select a given one of the multiple totes for use in placing a wager.

Applicants' invention, as defined by amended independent claims 1 and 42 is directed towards a system and method for allowing a user to use user equipment to

place an electronic wager on a race with an interactive wagering application that handles wagers for multiple totes. The interactive wagering application is used to provide the user with an opportunity to create a wager. The interactive wagering application is also used to select a given one of multiple totes to use for placing the wager, wherein each of the multiple totes has an associated wagering pool, and wherein the associated wagering pools are not shared.

Claims 1 and 42 have been amended to further define that each tote has an associated wagering pool. Each tote has an associated wagering pool because each tote generates odds in real time based on which wagers are being placed. In addition, the interactive wagering application can select one of the multiple totes based on the value of the wagering pool associated with each tote (applicants' specification, page 50, lines 17-20). For example, for popular races such as the Kentucky Derby, there may be several separate pools accepting wagers for that race.

Claims 1 and 42 have also been amended to further define that the wagering pools are not shared. Hence, when the interactive wagering application selects a given one of the multiple totes, it is selecting a particular wagering pool for which the wager will be placed. Applicants'

specification makes it clear that the wagering pools are not shared because it discloses that the interactive wagering application may combine wagering pools from one or more totes to provide a cross-tote pool (applicants' specification, page 52, lines 23-26).

Generally speaking, Brenner refers to an interactive wagering system that allows users to view racing information and place bets using an off-track user terminal.

Applicants respectfully submit that Brenner does not show applicants' feature of using the interactive wagering application to select a given one of multiple totes to use for placing the wager, wherein each of the multiple totes has an associated wagering pool, and wherein the associated wagering pools are not shared. Rather, Brenner discloses the use of multiple totalisators (i.e., totes) that share their wagering pools. Particularly, the totalisators communicate with each other using an Intertote Track System Protocol, which allows the multiple totalisators to share pools, thereby allowing racing fans that interact with one totalisator to view odds and place wagers on races at other racetracks.

Furthermore, even though Brenner discloses that wagers can be placed in one of several totes, there is no

protocol in Brenner that enables an interactive wagering application to select which one of the multiple totes a wager is placed when each of the totes have unshared pools.

Accordingly, applicants submit that independent claims 1 and 42 are patentable over Brenner. Claims 2-41 and 43-82 are also patentable because they depend from claims 1 and 42, respectively.

VI. Reply to the Claim Rejections under 37 C.F.R. § 103(a)

Claims 2, 3, 6, 7, 10, 11, 13, 17, 19, 23-27, 37, 38, 43, 44, 47, 48, 51, 52, 54, 58, 60, 64-68, 78, and 79 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner. Because applicants have demonstrated in the previous section that claims 1 and 42 are allowable, dependent claims 2-27, 29-41, 43-68, 70-82 are also allowable.


VII. Reply to the Objection of Claims 28 and 69

Claims 28 and 69 have been objected to as being dependent on a rejected base claim. This objection has been obviated because claims 28 and 69 have been rewritten in independent form including all the features of their respective base claims.

VIII. Conclusion

The foregoing demonstrates that claims 1-82 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,


Andrew Van Court
Registration No. 48,506
Agent for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000